

65, 67, and 68 for being dependent upon a rejected base claim, but these claims were considered allowable if rewritten in independent form including all limitations of the base claim and any intervening claims.

Rejections Under 35 USC §102(b)

Claims 52 and 61 were rejected under 35 USC §102(b) over Bogart et al. The Examiner alleged that Bogart et al. disclosed a "device essentially a multilayered optical device comprising a substrate and various layers". It was further noted that:

"for use in a reflection mode, the substrate can be a glass substrate coated with aluminum. The aluminum-coated glass can be coated with a layer of amorphous silicon to provide optical characteristics (col. 15, lines 38-67.) Instead of glass, plastics, fused silica, and ceramic materials can be used for the substrate (col. 12, lines 58-67 and col. 15, lines 4-7.)". (Office Action, pg. 2, citing Bogart et al.)

Applicants respectfully disagree with the Examiner's characterization of Bogart et al. While Bogart et al. does disclose various embodiments of the devices, no single device anticipates the claimed invention.

Claim 52: recites: A device comprising:

"a single substrate comprising a flexible metallic material;
a non-conductive...coating affixed to a surface of the single substrate; and
an amorphous semi-conducting material layer affixed to a non-conductive coating."

As presently claimed the amorphous semi-conducting layer is affixed to the non-conductive coating, which in turn, is affixed to the surface of the substrate. The non-conductive coating is between the amorphous semi-conducting layer and the substrate containing the metallic material. Bogart does not disclose a device having the specific ordering of layers as presently claimed.

It was stated in the Office Action that in the reflectance mode device the layer of aluminum is considered to read on the single substrate of the instant device. The glass or plastic was considered to read on a non-conductive surface coating and the layer of amorphous silicon is considered to read on the amorphous semi-conductor material. However, Bogart et al. does not distinguish the ordering of the layers of the device. Bogart does not state that the amorphous silicon is deposited on the non-conducting surface. Actually, Bogart et al. discloses an alternative ordering that includes a base material layer, a conductive metal layer, and a layer of amorphous silicon where the metal layer is positioned adjacent the amorphous silicon. (Bogart

et al., col. 5, lines 6-12.) The metal layer is sandwiched between the substrate and the amorphous silicon, as opposed to the presently claimed invention, in which the non-conductive coating is between the amorphous semi-conducting layer and the substrate containing the metallic material. Consequently, Applicants request that the rejection of claim 52 under 35 USC §102(b) be withdrawn.

Regarding the rejection of claim 61, claim 61 recites a device comprising:

“a single substrate... comprising an annealed, preshrunk polymeric material; a ... coating affixed to the surface of the substrate, wherein the coating is a non-conducting; and
an amorphous semi-conductor material affixed to the coating”.

The presently claimed device includes three layers or coatings, a polymeric material, a non-conductive coating, and an amorphous semi-conductor material in the specified order. Bogart et al. is silent regarding an amorphous semi-conductor material affixed to a non-conductive coating, which in turn, is affixed to a substrate including a polymeric material. No specific embodiments employing these features have been identified or alluded to in the Office Action. (See 37 C.F.R. §1.104(c)(2).) Consequently, Applicants respectfully request that the rejection of claim 61 under 35 U.S.C. §102(b) be withdrawn.

Rejections Under 35 USC §103

Claims 53-55, 59, 63, and 67 were rejected under 35 USC §103(a) over Bogart et al. Bogart et al., as noted above, describes various embodiments of devices. It is believed that no specific device anticipates the claimed invention. Furthermore, it is believed that the claimed invention is non-obvious over this reference. Applicants maintain that the various features of each device in Bogart et al. are not interchangeable. Bogart et al. requires that the desired end-use of the device determines which feature of each component is selected for the production of the final useful test device. Furthermore, the actual structure of the chosen device depends upon whether reflectance or transmission mode is desired and whether the result is to be interpreted by eye or with an instrument. (Bogart et al. col. 11, lines 33-37 and col. 12, lines 19-24.) Bogart et al. then discloses specific combinations that are relevant to the choice of the substrate and the end use depending upon a Reflectance Mode Interpretation By Eye, or Instrumented Interpretation, Transmission Mode Interpretation By Eye, or Instrumented Interpretation. (Bogart et al. col. 12, Line 27-col. 35.) Bogart et al. does not suggest or motivate one skilled in

the art to combine various layers including a single substrate of sufficient flexibility to undergo roll-type processing and comprising a flexible metallic material; a non-conductive coating affixed to the surface of the single substrate; and an amorphous semi-conductive material affixed to the non-conductive coating as claimed in claim 52. Consequently, Applicants respectfully request that the rejections of claims 53-55 and 59, which depend from claim 52, be withdrawn.

Similarly, Applicants maintain that Bogart et al. does not disclose or fairly suggest a device that includes, *inter alia*, a single substrate comprising a polymeric material; a coating that is non-conductive affixed to the surface of the substrate; and an amorphous semi-conductor material affixed to the coating as claimed in claim 61. In light of the above discussion, Applicants request that the rejections of claims 63 and 66, which depend from claim 61, be withdrawn.

Additionally, Applicants request that the objections to claims 56-58, 62, 64, 65, 67, and 68 be withdrawn.

CONCLUSION

In view of the foregoing discussion, reconsideration, and withdrawal of all outstanding rejections, and allowance of this application containing claims 1-16, 52-59 and 61-83 are requested. In addition, the Examiner is invited to telephone the undersigned attorney if there are any questions about this submission and other formal matters, which might be addressed in that fashion to facilitate allowance of this application.

Respectfully submitted,

By:

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